

Remarks

Currently, claims 13-20, 22-33, and 35-37 remain pending in the present application. Claims 13, 14, 16, 17, 20, 22-24, 26-27, 29, 30, 33, and 35-37 are being examined according to the species election, including independent claims 13 and 26. For example, independent claim 13 is directed to an absorbent garment comprising a liner, an outer cover, an absorbent structure, and an adhesive. The absorbent structure is positioned between the liner and the outer cover. The adhesive is positioned between at least two of the liner, the outer cover, and the absorbent structure. The adhesive is applied at least partly according to a swirl-like pattern. The adhesive pattern changes as a function of distance and according to at least one of pattern breadth or adhesive dose in weight per area along the distance. The adhesive dose of the adhesive pattern changes as a function of distance such that the weight per unit area of adhesive applied varies by at least 20% by weight. As shown from the amendments above, the limitations of previously pending dependent claims 21 and 34 have been incorporated into their respective independent claims.

In the Office Action, independent claims 13 and 26 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,635,798 issued to Yoshioka, et al. However, Yoshioka, et al. does not teach or suggest that the adhesive dose of the adhesive pattern change as a function of distance. Furthermore, Yoshioka, et al. fails to teach that the weight per unit area of adhesive applied varies by at least 20% by weight. Thus, Applicants respectfully submit that independent claims 13 and 26 are patentable over Yoshioka, et al..

Also in the Office Action, independent claims 13 and 26 were rejected under 35 U.S.C. § 102(a) in view of U.S. Patent Application Publication No. 2004/0127865 of Mitsui, et al. However, Applicants point out that Mitsui, et al. is not available as a valid reference under 35 U.S.C. § 102(a). Specifically, Mitsui, et al. was published on July 1, 2004, which is after the filing date of the present application. Thus, Mitsui, et al. does not qualify as a valid reference under either 35 U.S.C. § 102(a) or § 102(b). Furthermore, Mitsui, et al. does not qualify as a valid reference under 35 U.S.C. § 102(e) in view of the declaration submitted herewith showing that the filing date of

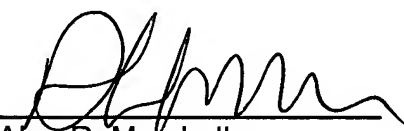
Mitsui, et al. (December 17, 2003) was not before the invention of the present application. Thus, Applicants respectfully submit that Mitsui, et al. is not a valid reference under any subsection of 35 U.S.C. § 102.

Applicants respectfully submit that the present application is in complete condition for allowance. Should Examiner Craig have any further questions or concerns, she is invited and encouraged to contact the undersigned at her convenience.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,
DORITY & MANNING, P.A.

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Date


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